

# WU07

## Notice of progress report in a winding-up by the court



Companies House

SATURDAY



A10 \*A8FH06AQ\* 05/10/2019 #205  
COMPANIES HOUSE

### 1 Company details

Company number 0 7 3 8 8 4 3 3

Company name in full M H Carbon Limited

→ Filling in this form  
Please complete in typescript or in bold black capitals.

### 2 Liquidator's name

Full forename(s) David A

Surname Ingram

### 3 Liquidator's address

Building name/number 30 Finsbury Square

Street

Post town London

County/Region

Postcode E C 2 P 2 Y U

Country

### 4 Liquidator's name ①

Full forename(s)

Surname

① Other liquidator  
Use this section to tell us about another liquidator.

### 5 Liquidator's address ②

Building name/number

Street

Post town

County/Region


Postcode

Country

② Other liquidator  
Use this section to tell us about another liquidator.

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<b>6</b>	<b>Period of progress report</b>											
From date	<sup>d</sup> 1	<sup>d</sup> 4	<sup>m</sup> 0	<sup>m</sup> 8	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 8				
To date	<sup>d</sup> 1	<sup>d</sup> 3	<sup>m</sup> 0	<sup>m</sup> 8	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 9				
<b>7</b>	<b>Progress report</b>											
<input checked="" type="checkbox"/> The progress report is attached												
<b>8</b>	<b>Sign and date</b>											
Liquidator's signature	Signature X  X											
Signature date	<sup>d</sup> 0	<sup>d</sup> 4	<sup>m</sup> 1	<sup>m</sup> 0	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 9				

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 **Presenter information**

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name **Jenna K Warburton**

Company name **Grant Thornton UK LLP**

Address **4 Hardman Square**

**Spinningfields**

Post town **Manchester**

County/Region

Postcode 

M	3		3	E	B	
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Country

DX

Telephone **0161 953 6900**

 **Checklist**

**We may return forms completed incorrectly or with information missing.**

**Please make sure you have remembered the following:**

- The company name and number match the information held on the public Register.
- You have attached the required documents.
- You have signed the form.

 **Important information**

**All information on this form will appear on the public record.**

 **Where to send**

**You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:**

The Registrar of Companies, Companies House,  
Crown Way, Cardiff, Wales, CF14 3UZ.  
DX 33050 Cardiff.

 **Further information**

For further information please see the guidance notes on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto:enquiries@companieshouse.gov.uk)

**This form is available in an alternative format. Please visit the forms page on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)**

Our ref: M02511/DAI/IDM/HAD/LKG/7

To the creditors and members

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**Insolvency and Asset Recovery**

Grant Thornton UK LLP  
4 Hardman Square  
Spinningfields  
Manchester  
M3 3EB

T +44 (0)161 953 6900  
F +44 (0)161 953 6901

4 October 2019

Dear Sir / Madam

**M H Carbon Limited - In Liquidation (the Company)**  
**High Court of Justice No 8749 of 2013**

## **1 Introduction**

- 1.1 Following my appointment as liquidator of the Company on 14 August 2014, in accordance with Part 18 of the Insolvency (England and Wales) Rules 2016 I now report on the progress of the liquidation for the year ended 13 August 2019 and attach.
- Appendix A, an account of my receipts and payments for the year ended 13 August 2019 and also for the whole liquidation to that date.
  - Appendix B, Statement of Insolvency Practice 9 disclosure.
- 1.2 Please note that I am authorised by the Insolvency Practitioners Association to act as an insolvency practitioner. I am bound by the Insolvency Code of Ethics when carrying out all professional work relating to an insolvency appointment.

## **2 Statutory information**

The Company's registered number is: 07388433

The Company's registered address is: 30 Finsbury Square, London, EC2P 2YU

The Company's former trading address is: Henford Manor, Yeovil, BA20 1UN

## **3 Progress report**

- 3.1 As previously reported, the Company was wound up by the Court in the public interest as part of a petition with 14 other connected companies, four of which I am also the liquidator of. Nedim Ailyan of Abbott Fielding Limited and James Dowers of DDJ Limited are appointed as liquidators of the remaining companies.

- 3.2 During the period there was extensive correspondence with the creditors regarding the making of claims outside of the liquidation due to potential financial mis-selling. A separate letter was sent to the creditors in this respect.

#### **Carbon Credits**

- 3.3 As previously reported, the Company sold Voluntary Emissions Reduction Carbon Credits ("VERs") to members of the public as investments. The VERs were held on trust for investors in the VER registries by MH Carbon Nominees Limited ("MHCN"). The Company does not hold any VERs in its own name.
- 3.4 The joint liquidators of MHCN, together with its legal advisors Gowling WLG ("Gowling") made an application to the Court seeking directions as to how a 'test case' portfolio of the available VERs should be dealt with. The 'test case' included VERs held at the APX Registry only and those investors with VERs included in the sale have been contacted by Gowling directly. In October 2017, the Court approved the joint liquidators' proposals for the VERs to be marketed for sale on the open market and in January 2018 the VERs were sold.
- 3.5 Gowling are in the process of reviewing claims with a view to making a distribution to investors, in accordance with the terms detailed in the proposals agreed by the Court. More details surrounding the process and regular updates are being posted on the creditor portal, which can be accessed at:

<http://gateway.gowlingwlg.com>

Login: ca\_ECO\_ES01

Password: MbKh4juE6

This process will continue outside of the liquidation.

#### **4 Creditors**

- 4.1 There are no preferential creditors in this matter.
- 4.2 I have received unsecured claims totalling £4,282,576. Further claims of £18,453,580 are anticipated.
- 4.3 There are insufficient funds available for a distribution to be made to creditors.

#### **5 Investigations into the affairs of the Company**

- 5.1 My investigations into the Company's affairs have now been concluded. These investigations did not identify any assets or potential claims which might be brought for the benefit of creditors.
- 5.2 The liquidation is in the process of being closed.

#### **6 Remuneration and expenses**

- 6.1 On 9 October 2014, the creditors resolved that I draw my remuneration by reference to my time costs with an uplift of 35% plus VAT. You will note from the SIP 9 table attached at Appendix B that my time costs for the period 14 August 2018 to 13 August 2019 are £17,3010, representing 76 hours at an average charge out rate of £228. Total time costs to 13 August 2019 are £124,070, against which I have not drawn any fees.
- 6.2 No funding was available in this case and I have been acting entirely on a contingent basis, in that I am only able to draw fees to the extent of realisations. As there have been no realisations, all of my time costs will be written off.
- 6.3 Further details about my remuneration and expenses are provided in Appendix B to this report.

#### **7 Contact from third parties**

Please be aware fraudsters have been known to masquerade as the legitimate liquidator. The fraudster will contact creditors asking for an upfront fee or tax to release or sell their investment. A liquidator would never ask for such a payment nor instruct a third party to make such a request. Do not part with any money. Please cease contact and refer to the London Gazette to verify the liquidator's contact details and report the matter: <https://www.thegazette.co.uk/insolvency>.

**8 Data Protection**

- 8.1 Any personal information held by the Company will continue to be processed in accordance with completing the liquidation of the Company and in accordance with meeting the requirements under applicable Data Protection Legislation/law in the United Kingdom.

Should you have queries please contact Ben Burgoyne on 0161 234 6322 or using the telephone number above.

Yours faithfully  
for and on behalf of M H Carbon Limited

A handwritten signature in black ink, appearing to read 'D Ingram', with a long horizontal flourish extending to the right.

David Ingram  
Liquidator

Enc.

M H Carbon Limited - in liquidation  
 Summary of receipts and payments  
 from 14 August 2014 to 13 August 2019

Statement of Affairs Per OR £	From 14/08/2014 to 13/08/2018 £	From 14/08/2018 to 13/08/2019 £	Total £
<b>Receipts</b>			
Bank/ISA InterestGross	0.09	0.00	0.09
	<b>0.09</b>	<b>0.00</b>	<b>0.09</b>
<b>Payments</b>			
O.R. Disbursements	14.47	0.00	14.47
O.R. Remuneration	1,235.00	0.00	1,235.00
ISA Account Fees	352.00	88.00	440.00
DTI Cheque Fees	0.15	0.00	0.15
Professional Fees	297.00	0.00	297.00
Tax on Interest	0.02	0.00	0.02
VAT Receivable	59.40	0.00	59.40
	<b>1,958.04</b>	<b>88.00</b>	<b>2,046.04</b>
<b>Net Receipts/(Payments)</b>	<b>(1,957.95)</b>	<b>(88.00)</b>	<b>(2,045.95)</b>
<b>Made up as follows</b>			
ISA	(1,601.47)	(88.00)	(1,689.47)
ISA Treasury Bills	0.07	0.00	0.07
Grant Thornton Loan Account	(356.55)	0.00	(356.55)
	<b>(1,957.95)</b>	<b>(88.00)</b>	<b>(2,045.95)</b>

**Note:**

Note that, as there have been insufficient realisations into the estate, Grant Thornton UK LLP has funded payment of some the estate's expenses necessary to progress the case and to comply with statute. The loan account will be repayable as an expense of the liquidation in the same priority as attaches to the respective expenses comprising the loan. In the event there are insufficient realisations to repay the loan, Grant Thornton UK LLP will write-off the final balance when the liquidation is closed but reserves its right to recover such balance should circumstances subsequently permit.

# Payments, remuneration and expenses to the liquidator or his associates

## Statement of Insolvency Practice 9 disclosure

### M H Carbon Limited – In Liquidation

This appendix has been prepared in conjunction with the requirements of the Insolvency Act 1986, the Insolvency (England and Wales) Rules 2016 (the Rules) and Statement of Insolvency Practice 9 (SIP9). In summary, it covers:

- fee basis
- work done by the liquidator and his team during the period
- hourly charge out rates
- disbursements and expenses
- sub-contracted out work
- payments to associates
- relationships requiring disclosure
- information for creditors (rights, fees, committees)

### Fee basis of the liquidator

On 9 October 2014, the creditors resolved that I draw my remuneration by reference to my time costs with an uplift of 35% plus VAT.

During the period from 14 August 2018 to 13 August 2019 (the Period) time costs were incurred totalling £17,309.75, represented by 76.45 hours at an average charge out rate of £226.42 per hour. Description of the work done is provided in the respective section below.

Cumulative time costs total £124,070.27, no fees have been drawn to date.



## Work done by the liquidator and his team during the Period

I am required to detail costs of actual work done in the Period, including any expenses incurred in connection with it. I am also required to provide narrative explanation of the work done. The following tables (narrative followed by numerical) set out this information for the liquidator's fees incurred. Details of the respective expenses are provided in the 'Disbursements and expenses' section below.

Area of work	Work done	Why the work was necessary	Financial benefit to creditors	Fees incurred
<b>Creditors</b>				<b>52.50 hrs £11,645.25 221.81 £/hr</b>
<b>Unsecured</b>	<ul style="list-style-type: none"> <li>Correspondence, emails and telephone calls with investor creditors. In particular with regard to creditors making claims outside of the liquidation.</li> </ul>	<ul style="list-style-type: none"> <li>In order to address creditor queries</li> </ul>	<ul style="list-style-type: none"> <li>This work was necessary to discharge the office holders' duties. As explained under "Why the work was necessary", although it did not add financial value to the estate it adds value to the insolvency process</li> </ul>	
<b>Administration</b>				<b>23.95 hrs £5,664.50 236.51 £/hr</b>
<b>Treasury, billing &amp; funding</b>	<ul style="list-style-type: none"> <li>Bank account administration</li> </ul>	<ul style="list-style-type: none"> <li>To maintain the liquidation bank account</li> </ul>	<ul style="list-style-type: none"> <li>This work was completed solely for the purpose of complying with statutory requirements and had no direct financial benefit to the estate</li> </ul>	
<b>Tax</b>	<ul style="list-style-type: none"> <li>Review of tax position</li> </ul>	<ul style="list-style-type: none"> <li>The liquidator has a duty to comply with the relevant tax legislation</li> </ul>	<ul style="list-style-type: none"> <li>This work was completed solely for the purpose of complying with statutory requirements and had no direct financial benefit to the estate</li> </ul>	
<b>General</b>	<ul style="list-style-type: none"> <li>Internal file reviews</li> </ul>	<ul style="list-style-type: none"> <li>It is essential to review cases regularly to ensure the case is being carried out efficiently and in a cost effective manner</li> </ul>	<ul style="list-style-type: none"> <li>This work was necessary to discharge the office holders' duties. As explained under "Why the work was necessary", although it did not add financial value to the estate it adds value to the insolvency process</li> </ul>	
	<ul style="list-style-type: none"> <li>Preparation and circulation of annual progress report to creditors</li> </ul>	<ul style="list-style-type: none"> <li>It is a statutory requirement for the liquidator to produce annual progress reports to creditors</li> </ul>	<ul style="list-style-type: none"> <li>This work was completed solely for the purpose of complying with statutory requirements and had no direct financial benefit to the estate</li> </ul>	
<b>Total fees incurred in the Period</b>				<b>76.45 hrs £17,309.75 226.42 £/hr</b>

## Detailed SIP9 time cost analysis for the period

Area of work	Partner		Manager		Executive		Administrator		Period total		Cumulative total as at period end	
	Hrs	£	Hrs	£	Hrs	£	Hrs	£	Hrs	£	Hrs	£
Realisation of assets:												
General	-	-	-	-	-	-	-	-	-	-	17.00	4,687.25
Investigations:												
Other assets												
General	-	-	-	-	-	-	-	-	-	-	20.62	3,941.80
Director/senior employees	-	-	-	-	-	-	-	-	-	-	148.84	40,266.16
Creditors:	-	-	-	-	-	-	-	-	-	-	25.18	5,333.38
Employees & pensions Unsecured	0.25	95.00	1.70	578.00	29.20	7,312.00	21.35	3,660.25	52.50	11,645.25	197.83	40,764.50
Administration:												
Treasury, billing & funding Tax	-	-	-	-	0.70	126.00	1.40	244.00	2.10	370.00	11.76	2,112.85
Pensions	-	-	0.30	140.00	0.10	24.50	0.50	80.00	0.90	244.50	12.65	2,815.00
General	0.40	152.00	0.80	272.00	12.65	3,273.00	7.10	1,353.00	20.95	5,050.00	104.39	23,830.33
<b>Total</b>	<b>0.65</b>	<b>247.00</b>	<b>2.80</b>	<b>990.00</b>	<b>42.65</b>	<b>10,735.50</b>	<b>30.35</b>	<b>5,337.25</b>	<b>76.45</b>	<b>17,309.75</b>	<b>539.87</b>	<b>124,070.27</b>

## Notes:

- Partner includes partners and directors
- Manager includes associate directors and managers
- Executive includes assistant managers and executives
- Due to enhancements to our SIP9 reporting systems, allocation of time against areas of work may differ to previous periods, however this does not affect overall total time costs
- The uplift included in the agreed fee basis is in addition to the amounts included under £ and £/hr
- Total time costs paid to date: £Nil

## Hourly charge out rates

Time is charged in units of 6 minutes for each grade of staff used. The hourly charge out rates applied take into consideration the nature and complexity of the case and are as follows:

Grade	From 14 August 2018 to current	
	Insolvency £/hr	Pensions & Tax £/hr
Partner	650	745
Director	485-545	595
Associate director	445-495	485
Manager	340-420	410
Assistant manager	300-350	340
Executive	245-325	315
Administrator	165-240	170-235
Treasury	180	n/a
Support	150-155	n/a

The current charge out rates have applied since 1 October 2017. I reserve the right to amend my charge out rates in the future. Any amendments will be detailed within the next report following such an amendment.

## Statement of expenses and disbursements incurred in the Period

This table provides details of expenses and disbursements incurred in the Period in connection with the work done by the liquidator, description of which is provided in the 'Work done' section above.

Category	Incurring in the Period (£)	Cumulatively incurred as at Period end (£)	Of which paid by the estate as at Period end (£)
<b>Category 1 disbursements</b>			
Bond: J.L.T	-	10.00	-
Land Registry fees: HM Land Registry	-	132.00	-
Storage costs	-	124.11	-
Courier costs	-	63.07	-
Mailing costs for creditor circulars	-	1,746.00	-
Searches: Experian	-	15.00	-
Statutory advertising: Courts Advertising	-	101.52	-
<b>Category 2 disbursements</b>			
None	-	-	-
<b>Expenses</b>			
Professional Fees: Velinko Limited	-	297.00	297.00
<b>Total expenses and disbursements</b>	-	<b>2,488.70</b>	<b>297.00</b>

Disbursements are expenses met by and reimbursed to an office holder in connection with an insolvency appointment and fall into two categories:

#### **Category 1 disbursements**

These are also known as 'out of pocket expenses' and are payments to independent third parties where there is specific expenditure directly referable to the insolvent estate; they can be drawn without prior approval and consist of the following categories:

- Travel and subsistence – these costs, which exclude mileage, are incurred by staff in attending trading premises or meetings, for example
- Office costs – these are costs such as postage or courier charges which are incurred in managing the case
- Statutory costs – these are costs such as bonding and advertising relating specifically to the case, which are required by statute

They also include expenses which have been paid using a Grant Thornton Loan, the balance of which (if any) can be seen on the liquidator's receipts and payment account at Appendix A.

#### **Category 2 disbursements**

These are expenses that are directly referable to the insolvent estate but not a payment to an independent third party. They may include shared or allocated costs that may be incurred by an office holder or their firm, and that can be allocated to the appointment on a proper and reasonable basis. Category 2 disbursements require approval in the same manner as an office holder's remuneration. To the extent that recovery of category 2 disbursements is sought, this will be for mileage only. Mileage is charged at 45p a mile. VAT is added as appropriate. Details of these costs are also provided in the table above.

## Sub-contracted out work

I confirm that, in the Period, I have not sub-contracted out any work that could otherwise have been carried out by me or my team.

## Payments to associates

Where I have enlisted the services of others, I have sought to obtain the best value and service. In the interest of transparency, I disclose below services I have sought from within my firm or from a party with whom (to the best of my knowledge) my firm, or an individual within my firm, has a business or personal relationship:

Service provider	Services enlisted	Cost of service
Grant Thornton UK LLP	<ul style="list-style-type: none"> <li>Tax work/advice (narrative is included within the above narrative of work done)</li> </ul>	<ul style="list-style-type: none"> <li>Costs are included within the above SIP9 time cost analysis</li> </ul>

## Relationships requiring disclosure

I confirm that I am not aware of any business or personal relationships with any parties responsible for approving the liquidator's fee basis, or who provide services to me as liquidator, which may give rise to a potential conflict.

## Information for creditors and members

Information to help creditors and members to understand their rights in insolvency and regarding officeholders' (ie administrators or liquidators) fees, and the roles and functions of committees is available via Grant Thornton's website:

<https://www.granthornton.co.uk/portal>

Alternatively, I will supply this information by post, free of charge, on request.